The State Attorney’s Office of the Republic of Croatia is obliged and authorized to prosecute all war crimes. Several points of special relevance to this obligation are expanded on in this essay, including steps taken by the State Attorney’s Office to prosecute war crimes, cooperative efforts undertaken by the regional prosecutors’ offices, and the necessity of establishing a more efficient system of information sharing and archival access with the International Criminal Tribunal for the former Yugoslavia (ICTY).

Steps Taken by the State Attorneys Office

To achieve the goal of prosecuting all war crimes, all State Attorneys are continually requested to invest additional efforts in collecting information, data, documents, and all evidence that may serve in establishing whether certain events that we possess knowledge of constitute war crimes. In order to bring all perpetrators to justice, the State Attorney’s Office of the Republic of Croatia insists and continues to insist that all State Attorneys follow the standards of respecting laws, professionalism, and impartiality.

Cooperative Effects

The archives are the richest heritage of the Tribunal as they contain invaluable data from all the ICTY proceedings. The Tribunal and the Office of the Prosecutor have generated countless documents, information, case files, and similar data necessary for establishing circumstances in which war crimes have been committed. This data also includes information on persons who are reasonably suspected of perpetrating these criminal offenses, so that information should be available to prosecute them. Finally, this data also generates information on the victims, damaged persons, and potential witnesses for future trials.

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While the archives will be an important part of the ICTY’s legacy, it must also be accepted that the continuation of war crimes prosecutions in the region will be part of that legacy too. Therefore, it is important to constantly emphasize the need for continual strengthening and further intensifying of regional cooperation as one of the important conditions for prosecution of war crimes. It is well established that the State Attorney’s Office of the Republic of Croatia initiated the conclusion of the agreement on direct exchange of evidence and assistance among prosecutors’ offices in the region. This agreement greatly enhances the capabilities of all regional prosecutors. It gives regional prosecutors the ability to obtain data and evidence regarding certain war crimes faster and more effectively, as well as the ability to prosecute perpetrators who committed crimes in the territory of one state but reside in the territory of another.

The State Attorney’s Office of the Republic of Croatia, in mutual communication with colleagues in the region, concluded that it is necessary to consider other ways of improving cooperation in addition to exchange of evidence and mutual assistance. As a result, the State Attorney’s Office of the Republic of Croatia initiated the Brijuni Conference, which has convened annually since 2007. Representatives of the Office of the Prosecutor of the ICTY, the European Commission, and the United States Ambassador at large have all attended alongside prosecutors from the region. Best modalities of advancing cooperation through obtaining evidence, especially in cases where perpetrators are still unknown, have been considered.

During the last Brijuni Conference, sending young professionals and representatives from the regional prosecutors’ offices to the Office of the Prosecutor of the ICTY to familiarize them with archive searches, work methodology, and other data complexities was suggested based on prior experiences using data and difficulties encountered in finding necessary records and evidence. This suggestion was accepted in the Conference Conclusions, and the ICTY has welcomed several groups of liaison prosecutors through its doors since June 2009. The Agreement on the Search of the ICTY’s Database with the Office of the Prosecutor, signed in 2006, also helped to start this project. Through that agreement we have been able to actively search the ICTY database, and our liaison prosecutors now search it on a daily basis within the ICTY Office of the Prosecutor.

This liaison prosecutor project has produced very good results, evident by the fact that during work on specific cases regular contact is made with the liaison prosecutor in the Office of the Prosecutor of the ICTY, and the data received is used to initiate investigations, issue indictments, and deliver motions for proposing evidence during a trial. This project should definitely be continued so that more young prosecutors from the region can obtain experience and knowledge from the long years of practice of the ICTY. These young prosecutors can then apply that experience to their work and be further trained in order to handle delicate war crimes cases in the future. In addition, this program will significantly strengthen the Transition Team within the Office of the Prosecutor of the ICTY. For years, the Transition Team has been dealing with transfer of cases and evidence to the national judiciaries in the region. Increased transfer will mesh well with a new team of trained regional prosecutors.